



Architectural EPC

On Construction Domestic Energy Assessment

COMPLAINT & APPEAL PROCEDURE

VERSION 2.0 - August 2011

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London
EC1V 1NH

Royal Institute of British Architects (RIBA)
66 Portland Place
London
W1B 1AD

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2 Mount Charles
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BT7 1NZ

1 Introduction

This document sets out the procedures to be followed on the receipt of a complaint. For the purposes of this document a complaint can be received from:

- A member of the public
- A building owner, developer or contractor
- A local authority
- An On Construction Domestic Energy Assessor or an Accreditation Scheme
- The Department of Communities and Local Government of the UK Government (DCLG) or the Department of Finance and Personnel – Northern Ireland (DPLNI)
- Other public body, police authority etc

A complaint can be received by an On Construction Domestic Energy Assessor or by **Architectural EPC**.

The first thing to establish is the nature and validity of any complaint. For a complaint to be considered it must:

- Be made in writing
- Be from a person or body who has a relationship with the subject of the complaint and confirm the full nature of that relationship
- Detail the nature of the complaint

Examples of complaints that might be received are:

- A building owner or developer or contractor who is unhappy with the time taken by an On Construction Domestic Energy Assessor to produce an Energy Performance Certificate (EPC)
- A local authority may raise concerns regarding the rating on an EPC
- An On Construction Domestic Energy Assessor may appeal against the decision of the Schemes Conduct
- A public body may advise that an On Construction Domestic Energy Assessor has ceased to trade or failed to maintain PII

This is by no means a comprehensive list and merely serves to show the range of potential complaints.

2 Complaints Received By an On Construction Domestic Energy Assessor

Every On Construction Domestic Energy Assessor is required to have their own procedures by which they acknowledge and deal with complaints. Each On Construction Domestic Energy Assessor is also required to notify the **Architectural EPC** of each and every complaint that they receive and the steps which they take to resolve them.

In general **Architectural EPC** will only consider these complaints if:

- The complainant refers the complaint to the **Architectural EPC**, and
- The On Construction Domestic Energy Assessor own procedures have been exhausted, or
- The Scheme Director considers that the nature of the complaint is such that **Architectural EPC** should take immediate action – for example an allegation of criminal activity

3. Complaints Received by the Accreditation Scheme

Architectural EPC will deal with written complaints in as timely a manner as possible, while ensuring each of the steps outlined below is followed.

This section deals with:

- complaints about the conduct of any On Construction Domestic Energy Assessor accredited by **Architectural EPC** pertaining to their activities with regard to the production of EPCs within the Scheme, and
- the procedures for making an appeal by a Complainant against a decision by **Architectural EPC**, and
- the procedures for making an appeal by an On Construction Domestic Energy Assessor against a decision by **Architectural EPC**, and

All complaints must be made in writing, detailing the substance of the complaint, to the Scheme Director, **Architectural EPC**, 397 City Road, London, EC1V 1NH. Any appeal against a decision relating to membership of **Architectural EPC** must be lodged with the Scheme Director, within 10 working days of the notification of that decision.

The Scheme Administrator will record all complaints received and undertake the administrative steps outlined below. The Scheme Administrator will also maintain an overall record of complaints received and the resolution of these.

The Scheme Director has overall responsibility for co-coordinating the response to any complaint received, by requesting and collating information, convening meetings and notifying relevant parties.

If on initial investigation the Scheme Director considers the nature of the complaint to be sufficiently serious and considers the complaint to be well founded (for example an allegation of fraud) the Scheme Director should seek an immediate decision on the part of the Conduct Panel (if available) to suspend the On Construction Domestic Energy Assessor, pending further investigation.

If, as may be likely, the On Construction Domestic Energy Assessor is also a member of a Professional Body and the Scheme Director considers that the nature of complaint has wider implications with regard to the On Construction Domestic Energy Assessor professional conduct, then the Scheme Director must pass on the complaint to the relevant body and await the outcome of their procedures before instigating further proceedings within **Architectural EPC**.

3.1 Time Scales

It is important that complaints are dealt with as quickly as possible. The Scheme Director has the responsibility of notifying DCLG and/or DPFNI on receipt of a complaint and the subsequent steps taken to resolve that complaint. See Appendix A – Complaint Procedures Flow Chart.

The time scales noted in the procedures below are backstop values and wherever possible actions should be taken by **Architectural EPC** well within these. The Scheme Administrator will keep a record of actions and timescales for actions for each complaint.

In the case of a serious allegation the Scheme Director has the option to suspend an On Construction Domestic Energy Assessor. Such a suspension is immediate and the IT Infrastructure prevents a suspended On Construction Domestic Energy Assessor from creating and lodging EPCs.

3.2 Conduct Panel

The membership, constitution and role of the Conduct Panel is defined in the Conduct and Disciplinary Procedures and it is responsible for deciding whether a complaint:

- merits consideration, or
- should be referred to another authority or Professional Body
- may be resolved by requiring specific work or other action (except fines), or
- should be rejected

The Panel may reject a complaint on the grounds that:

- it does not directly concern on construction domestic energy assessment
- it is outside the scope of **Architectural EPC**
- insufficient information has been provided on the part of the complainant from which to reach a decision, or

The Panel may defer their decision if insufficient information has been provided by the subject of the complaint.

The Panel may chose to suspend an On Construction Domestic Energy Assessor pending investigation by a Professional Body or other Authority

The Panel must consider any complaint that an On Construction Domestic Energy Assessor has not acted in accordance with other rules, limitations, or conditions of the Scheme.

4.0 Internal Appeals Procedure

An appeal can be made by either the Complainant or the subject of the complaint against the decision of the Conduct Panel.

Such appeals are dealt with initially by the Review Panel. Both parties to the original complaint are informed of the appeal process. The appellant is given the opportunity to present the grounds for their appeal. The Review Panel will assess the grounds on which the appeal is based including, but not restricted to:

- The implementation of the Scheme Procedures
- The provision of factual information
- The validity of the decision of the Conduct Panel

In forming their opinion the Appeal Panel can take into account precedent set by previous Conduct Panel and Appeal Panel decisions. The Appeal Panel can make the following decisions:

- Dismiss the appeal
- Request that the Conduct Panel review their decision and provide guidance
- Refer the subject of the complaint to their professional body

- Refer the appeal to the 3rd party independent appeal procedure that **Architectural EPC** has established through the Construction Industry Council.

4.1 Time Scales

It is important that appeals are dealt with as quickly as possible. The Scheme Director has the responsibility of notifying DCLG and/or DPFNI on receipt of an appeal and the subsequent steps taken. See Appendix B – Appeals Procedures Flow Chart.

The time scales noted in the procedures below are backstop values and wherever possible actions should be taken by **Architectural EPC** well within these. The Scheme Administrator will keep a record of actions and timescales for actions for each appeal.

In the case of a serious allegation the Scheme Director has the option to suspend an On Construction Domestic Energy Assessor. Such a suspension is immediate and the IT Infrastructure prevents a suspended On Construction Domestic Energy Assessor from creating and lodging EPCs.

5.0 Independent Appeals Procedure

Architectural EPC has established an external 3rd party independent appeal procedure with the Construction Industry Council (CIC).

The right to an independent appeal is primarily intended for a client body who has commissioned an Energy Performance Certificate (EPC) and having made a complaint to the On Construction Domestic Energy Assessor, which has subsequently escalated through **Architectural EPC's** Complaint Procedure, Conduct Procedure (if applicable) and internal Appeals Procedure remains dissatisfied.

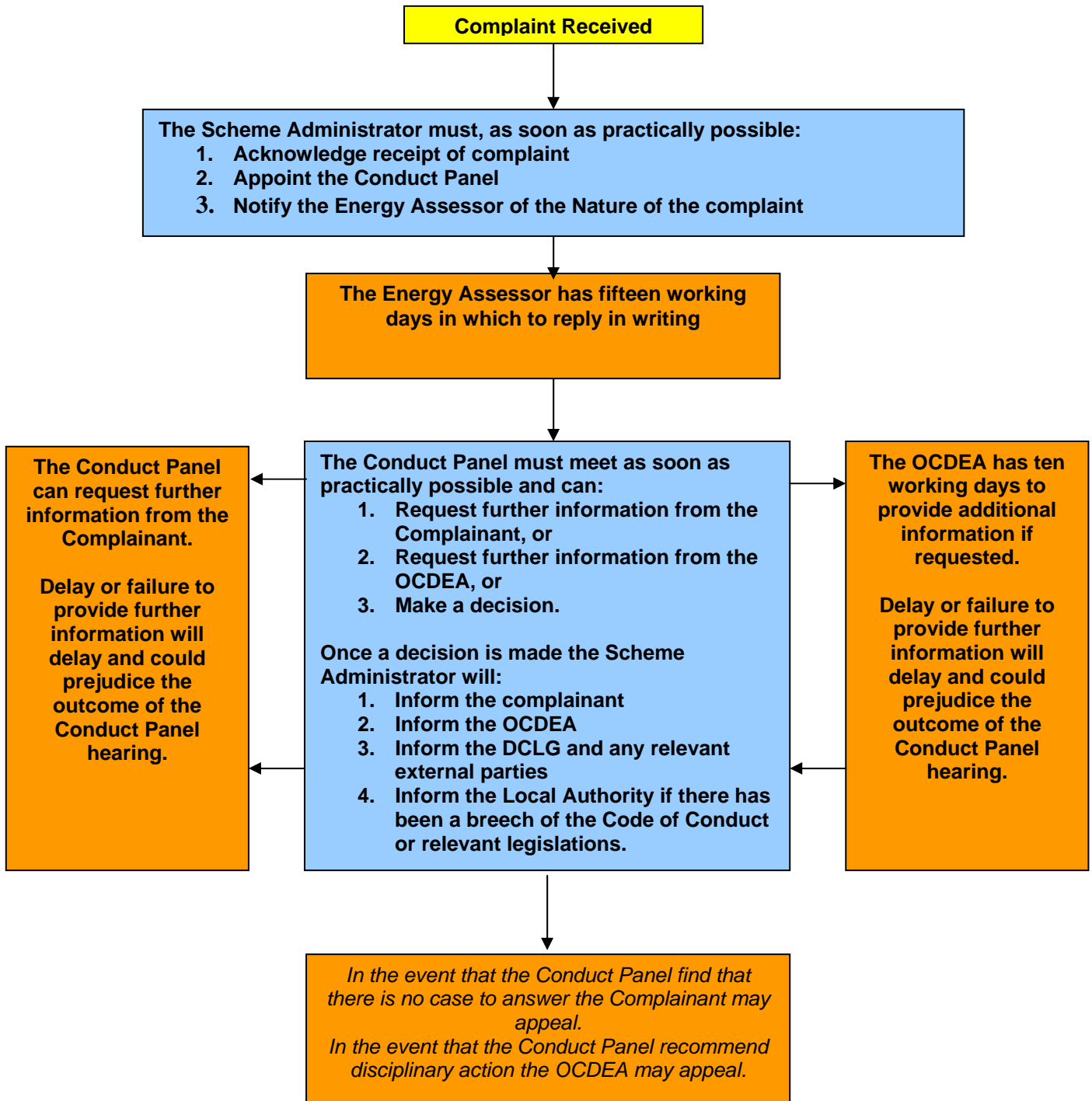
In exceptional circumstances the **Architectural EPC** Review panel may directly refer an appeal to the CIC.

In accordance with the Conduct and Disciplinary Procedure, there is an Independent Appeals Procedure operated by the Construction Industry Council (CIC) which allows all parties to appeal the decision made by the Conduct Panel on specific grounds. Any request to appeal must be made in writing and must be received within 28-days (or 35-days for residents overseas) from the date of notification of the decision of the Conduct Panel. Should a request for an appeal be made, this will be forwarded to CIC. From this point CIC will be the direct contact regarding this procedure.

For further information on the Appeals Procedure and the specific grounds that can be appealed on, please visit the CIC website www.cic.org.uk or contact them direct on 020 7399 7400.

Appendix A - Complaint Procedure Flow Chart

On receipt of a complaint the Scheme will consider whether it is presented in a form which requires action on the part of the Conduct Panel.



Appendix B - Appeal Procedure Flow Chart

On receipt of an appeal the Scheme will consider whether it is presented in a form which requires action on the part of the Review Panel.

